IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.173 OF 2007

With

CIVIL APPLICATION NO.254 OF 2007

In

APPEAL FROM ORDER NO.173 OF 2007

Mrs.Arshad : Appellant

V/s.

The State of Maharashtra & Anr. : Respondents

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Mr.S. Shankar for the appellant.

Dr.Poornima Advani with Mr.R.C.Master for respondent no.2.

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**CORAM : A.M. KHANWILKAR, J.**

DATE : MARCH 9, 2007.

**P.C**.

1. I find no reason to depart from the order of the Court below in refusing to grant ad-interim order, in the facts of the present case. The counsel for the Union of India has rightly pointed out that the passport of the appellant having expired on 13.2.2007, she cannot be permitted to remain in India. If she fails to remove herself forthwith, the only course open to the Authorities is to deport her. In such a case, there can be no question of

giving any interim protection even on humanitarian consideration for the simple reason that the appellant knew well in advance the date of the expiry of her passport. If such indulgence is shown, it will be setting wrong precedent in place which will be abused in some other case. That cannot be countenanced. The appellant has a choice to go back to her original country and return only after the passport is renewed by the High Commission of that country.

2. Hence, this appeal fails and the same is dismissed.

3. In view of the dismissal of the appeal, the Civil Application does not survive and the same stands disposed of.

A.M. KHANWILKAR, J.